

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MIRIAM FREIER : Case No. 14-CV-9623 (RA)
Plaintiff,
--and--
VERTICAL CAPITAL, LLC; BRETT GRAHAM;
and KEM BLACKER
Defendants.
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**DEFENDANTS' NOTICE OF MOTION TO COMPEL ARBITRATION AND STAY
THIS ACTION, AND FOR ATTORNEYS' FEES AND COSTS**

PLEASE TAKE NOTICE that upon the Affidavit of Julia C. Spivack, Esq., executed on January 9, 2015, the exhibits thereto, the Affidavit of Kem Blacker, executed on January 9, 2015, and the accompanying memorandum of law, the Defendants in the above-referenced action, by and through their attorneys, Seward & Kissel LLP, will move this Court before the Honorable Ronnie Abrams, at the United States District Court, Southern District of New York, 40 Foley Square, New York, NY 10007, on February 2, 2015 at 9:30 a.m. for an order pursuant to the Federal Arbitration Act, 9 U.S.C. § 3 and § 4 (i) compelling Plaintiff to arbitrate all of the claims in the First Amended Complaint dated December 19, 2014 (ii) staying this action in favor of arbitration (iii) awarding Defendants their attorneys' fees and costs in connection with this motion and (iv) granting such other, further and different relief as to the Court seems just and proper.

PLEASE TAKE FURTHER NOTICE, that opposition papers, if any, shall be served on January 23, 2015, and that reply papers, if any, shall be served on January 30, 2015.

Dated: January 9, 2015

SEWARD & KISSEL LLP

By: s/ Mark J. Hyland

Mark Hyland

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